

Message Text

UNCLASSIFIED

PAGE 01 STATE 003026
ORIGIN L-03

INFO OCT-01 AF-08 ISO-00 IO-13 CPR-01 SCA-01 INR-07 /034 R

DRAFTED BY L:L/UNA:AKRECZKO:MAB

APPROVED BY L:L/UNA:DPSTEWART

IO/UNP:LRHAGE

AF/E:RWBAKER

-----070129Z 097323 /60

R 062239Z JAN 77

FM SECSTATE WASHDC

TO AMEMBASSY NAIROBI

UNCLAS STATE 003026

E.O. 11652: N/A

TAGS: AFSP, PDIP

SUBJECT: PRIVILEGES AND IMMUNITIES

REF: NAIROBI 14122

1. IN RESPONSE TO YOUR REQUEST FOR INFORMATION CONCERNING THE PRIVILEGES AND IMMUNITIES ACCORDED TO US NATIONALS WORKING IN THE US WITH INTERNATIONAL ORGANIZATIONS (REFTEL), US NATIONALS WHO ARE OFFICIALS OF INTERNATIONAL ORGANIZATIONS POSSESS IMMUNITY ONLY FOR THOSE ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY. THEY ARE NOT IMMUNE FROM FEDERAL TAXATION OR FROM NATIONAL SERVICE OBLIGATIONS.

2. THE CONVENTION ON PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS GOVERNS THE PRIVILEGES AND IMMUNITIES EXTENDED TO OFFICIALS OF THE UN. KENYA AND THE USG ARE PARTIES TO THIS CONVENTION. HOWEVER, USG RATIFICATION OF THE CONVENTION WAS SUBJECT TO RESERVATIONS WHICH, INTER UNCLASSIFIED

UNCLASSIFIED

PAGE 02 STATE 003026

ALIA, MADE ARTICLE 18, PARAGRAPH (B), REGARDING IMMUNITY FROM TAXATION AND ARTICLE 18, PARAGRAPH (C), REGARDING IMMUNITY FROM NATIONAL SERVICE OBLIGATIONS, INAPPLICABLE WITH RESPECT TO US NATIONALS AND ALIENS ADMITTED FOR PERMANENT RESIDENCE. (IN ORDER TO ENABLE EMPLOYEES

HOLDING SIMILAR ASSIGNMENTS TO RECEIVE EQUAL COMPENSATION

DESPITE THE FACT ONLY SOME ARE TAXED BY THEIR GOVERNMENTS, MANY INTERNATIONAL ORGANIZATIONS, INCLUDING THE UN, HAVE CONCLUDED AGREEMENTS WHEREBY STAFF MEMBERS WHO ARE REQUIRED TO PAY A NATIONAL INCOME TAX ARE REIMBURSED AN EQUAL AMOUNT.)

3. UNDER THE PROVISIONS OF THE INTERNATIONAL ORGANIZATIONS IMMUNITIES ACT (P.L. 79-291), EMPLOYEES OF INTERNATIONAL ORGANIZATIONS ARE IMMUNE FROM SUIT AND LEGAL PROCESS RELATING TO ACTS PERFORMED BY THEM IN THEIR OFFICIAL CAPACITY AND FALLING WITHIN THEIR FUNCTIONS. IF AN EMPLOYEE OF AN INTERNATIONAL ORGANIZATION IS SERVED AND IF THE INTERNATIONAL ORGANIZATION CONCERNED SO REQUESTS, THE DEPARTMENT WILL ADVISE THE COURT THAT THE INDIVIDUAL HAS BEEN NOTIFIED TO THE DEPARTMENT AS SUCH AN EMPLOYEE. WHETHER THE INDIVIDUAL IS GRANTED IMMUNITY DEPENDS ON WHETHER THE COURT FINDS THAT THE ACT IN QUESTION WAS PERFORMED IN AN OFFICIAL CAPACITY WITHIN THE INDIVIDUAL'S FUNCTIONS. THIS PROCEDURE IS EQUALLY APPLICABLE TO US NATIONALS.

KISSINGER

UNCLASSIFIED

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLICIES, DIPLOMATIC PRIVILEGES, INTERNATIONAL ORGANIZATIONS
Control Number: n/a
Copy: SINGLE
Sent Date: 06-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE003026
Document Source: CORE
Document Unique ID: 00
Drafter: L/UNA:AKRECZKO:MAB
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770006-0607
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770174/aaaacmpw.tel
Line Count: 83
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: f265b8dc-c288-dd11-92da-001cc4696bcc
Office: ORIGIN L
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 77 NAIROBI 14122
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 08-Oct-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3649662
Secure: OPEN
Status: NATIVE
Subject: PRIVILEGES AND IMMUNITIES
TAGS: AFSP, PDIP, US, KE, UN
To: NAIROBI
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/f265b8dc-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009